

## REMARKS

In response to the Final Office Action dated April 28, 2009, and in response to the Request for Continued Examination filed herewith, claims 1, 4-9, 12, 19-20, 22, 24-26 and 28 have been amended. Claims 1-2, 4-9, 12 and 19-28 are pending in the application.

In paragraph 2 on page 2 of the Office Action, claim 28 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Applicant respectfully traverse the objection to the claims, but in the interest of expediting prosecution has amended the claims to overcome the rejection.

In paragraph 6 on page 5 of the Office Action, claims 19-21 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Aoki.

In paragraph 8 on page 7 of the Office Action, claims 1, 2 and 4-9 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki.

On page 12 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and in further view of Chang.

On page 13 of the Office Action, claim 22 and 28 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Aoki in view of Naimpally.

On page 15 of the Office Action, claim 23-26 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Aoki in view of Ellis.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended claims to more particularly distinguish the invention over the cited reference.

Independent claim 1 sets forth a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon the programming data maintained at the distribution head of the content distributor and a customized viewing profile associated with a user of the viewer subsystem, an interface device of the content distributor provided at the viewer subsystem, having an electronic program guide and configured and operative to implement the smart audio guide system functions, a smart audio guide audio package maintained at the head end of the content distributor that includes at least a plurality of smart audio guide audio clips corresponding to the customized viewing-recommendations list and a smart guide actuator that is configured and operative in response to one or more predetermined conditions to activate the rendering of the smart audio guide audio clips and the customized viewing-recommendations list, wherein the plurality of smart audio guide audio clips are generated by at a head-end of the content distributor and stored in a database at the head-end, wherein said processing unit is configured and operative to cause the plurality of smart audio guide audio clips to be uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify programs recommended for viewing at the viewer subsystem based upon the customized viewing-recommendations list and wherein, as the plurality of smart audio guide audio clips is being uttered, a corresponding visual presentation of the customized viewing-recommendations list is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the

customized viewing-recommendations list. Independent claims 19 and 28 include similar elements.

In contrast Aoki merely discloses a system for accessing an electronic program guide over the Internet. Using the EPG, the system records program viewing history and generates a virtual agent that reminds a user of an upcoming program.

However, Aoki fails to suggest providing a customized viewing-recommendations list based upon the programming data maintained at the distribution head of the content distributor. Aoki is connected to the Internet, not a content distributor such as a cable or satellite operator that distributes content.

Aoki also fails to suggest an interface device of the content distributor provided at the viewer subsystem that includes an electronic program guide. Rather, Aoki discloses the device is a computer (see Fig. 1) and thus is not an interface device belonging to the content distributor. Moreover, Aoki teaches away from the EPG being provided at the view subsystem. Rather, the EPG is maintained remotely via the Internet.

Aoki also fails to suggest a smart audio guide audio package having audio clips that are generated and maintained at the head end of the content distributor. Rather, the audio files are generated and maintained at the agent interface device, i.e., the computer.

Aoki also fails to suggest that a corresponding visual presentation of the customized viewing-recommendations list is modified to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the customized viewing-recommendations list.

Thus, Aoki fails to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Naimpally fails to overcome the deficiencies of Aoki. Naimpally discloses an integrated television system having an information appliance that is used to contact a server over the Internet. At the server, text files, e.g., EPG data, is stored in a database and converted into speech files. Upon request, a portion of the speech files may be downloaded over the Internet to the integrated television.

Naimpally fails to suggest providing a customized viewing-recommendations list based upon the programming data maintained at the distribution head of the content distributor. Naimpally is connected to the Internet, not a content distributor such as a cable or satellite operator that distributes content.

Naimpally also fails to suggest an interface device of the content distributor provided at the viewer subsystem that includes an electronic program guide. Rather, Aoki discloses that the EPG is maintained remotely at the server and is only accessible via the Internet.

Naimpally also fails to suggest a smart audio guide audio package having audio clips that are generated and maintained at the head end of the content distributor. Rather, according to Naimpally, audio files are generated from text files. The audio files are stored at the server and thus are not maintained at the head end of the content distributor. Naimpally is not concerned with the distribution of content such as by a cable or satellite operator. Rather, Naimpally simply retrieves audio files over the Internet.

Naimpally also fails to suggest that a corresponding visual presentation of the customized viewing-recommendations list is modified to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the customized viewing-recommendations list. Naimpally is completely silent regarding visual presentation of a customized viewing-recommendations list. In addition, Naimpally does not disclose synchronizing retrieved audio files to matching program data.

Thus, Aoki and Naimpally, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Chang fails to overcome the deficiencies of Aoki and Naimpally. Rather, Chang is merely cited as disclosing temporarily discontinuing audio.

Chang fails to suggest providing a customized viewing-recommendations list based upon the programming data maintained at the distribution head of the content distributor. Chang merely describes a system for providing speech recognition, wherein the speech detector mutes or lowers the volume of a voice prompt.

Chang also fails to suggest an interface device of the content distributor provided at the viewer subsystem that includes an electronic program guide. Rather, Chang does not even mention an interface device of the content distributor provided at the viewer subsystem that includes an electronic program guide.

Chang also fails to suggest a smart audio guide audio package having audio clips that are generated and maintained at the head end of the content distributor. Rather, according to Chang, voice data is merely generated from utterances of a user. Further,

Chang is not concerned with the distribution of content such as by a cable or satellite operator.

Chang also fails to suggest that a corresponding visual presentation of the customized viewing-recommendations list is modified to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the customized viewing-recommendations list. Chang is completely silent regarding visual presentation of a customized viewing-recommendations list. In addition, Chang does not disclose synchronizing retrieved audio files to matching program data.

Thus, Aoki, Naimpally and Chang, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Ellis fails to overcome the deficiencies of Aoki, Naimpally and Chang. Rather, Ellis is merely cited as disclosing normal presentation of the EPG is modified in response to the presence of recommended content within an EPG page. However, Ellis does not suggest that a corresponding visual presentation of the customized viewing-recommendations list is modified to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the customized viewing-recommendations list.

In addition, Ellis fails to suggest providing a customized viewing-recommendations list based upon the programming data maintained at the distribution head of the content distributor. Ellis merely describes a system that receives blackout

information pertaining to programming and modifying a program guide to make changes in program guide features that may be affected by the blackout.

Ellis also fails to suggest a smart audio guide audio package having audio clips that are generated and maintained at the head end of the content distributor. Further, Ellis is not concerned with audio clips associated with program guide information.

Thus, Aoki, Naimpally, Chang and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Dependent claims 2, 4-9, 12 and 20-27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1 and 19, respectively. Further dependent claims 2, 4-9, 12 and 20-27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2, 4-9, 12 and 20-27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725

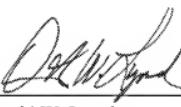
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for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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